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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,891	07/28/2003	Robert L. Demchick	03-256	3852
42266	7590	01/05/2007	EXAMINER	
PAUL H. DEMCHICK			CHAMBERS, A MICHAEL	
PROFESSOR DEMCHICK'S PATENT SERVICES			ART UNIT	PAPER NUMBER
THE JACOB TOMLINSON HOUSE			3753	
407 WEST BROAD STREET				
WILSON, NC 27893				
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
2 MONTHS		01/05/2007	PAPER	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/628,891

Filing Date: July 28, 2003

Appellant(s): DEMCHICK, ROBERT L.

MAILED

JAN 05 2007

Group 3700

Paul H. Demchick
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 4, 2006 appealing from the Office action mailed December 13, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2,837,109	EISNER	6-1958
3,594,825	REID	7-1971

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid in view of Eisner.

(10) Response to Argument

As stated in the final rejection, Reid discloses the claimed invention except for the recitation of an “city water inlet” being disposed on the port side and an “outlet” being disposed on the starboard side of the recreational vehicle as taught by Eisner. Note the disposition of the inlets 28 and 27, respectively disposed on the port and starboard sides of the tanks 14, 15 as shown by Eisner. The patent to Eisner is NOT applied as a teaching of a recreational vehicle, but rather Eisner is applied as a teaching of modification of the disposition of water inlets and outlets to be on different sides of the vehicles of Reid as discussed above. The inlets and outlets are on respective different sides of the “recreational vehicle” A. The primary reference of Reid is clearly a recreational vehicle (i.e., camping trailers or boats-column 1, lines 7+). The location of the inlets and outlets of Eisner are on different sides of the vehicle as recited in the claims. Reid is applied as a teaching of a recreational vehicle having inlets and outlets. With regard to claim 28 note pump 24 of Eisner. A faucet is shown in conduit 28 (claim 27) and further is readable on a drinking fountain (claim 27). A hose connection (quick connect) is disclosed in column 2, lines

23+. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the recreation vehicle of Reid, as taught by Eisner in order to provide ease of potable water access (motivation). Appellant's previous remarks, largely drawn to an alleged lack of motivation to combine the teachings of the applied patents to Reid and Eisner were considered, however not deemed persuasive. Case law drawn to motivation has again been considered. As stated in the final rejection, both patents show fluid systems on a wheeled vehicle and are both classified in class 137 (Fluid Handling) (analogous art). As discussed in the previous Office action, Reid discloses the claimed invention except for the recitation of an "city water inlet" being disposed on the port side and an "outlet" being disposed on the starboard side of the recreational vehicle as taught by Eisner. The patent to Reid teaches a recreational vehicle and the patent to Eisner is applied as a teaching of inlet and outlet disposition. One teaching is readily applicable as modifying teaching for the other in that both are teaching of wheeled fluid systems. The particular fluid of the fluid system is not a factor in whether one can be used as a modification teaching. Particular inlet and outlet disposition on respective sides of the vehicle are clearly shown in Figure 1 of Eisner (28 and 27, respectively). The modification of the recreational vehicle of Reid in view of Eisner (city inlet disposition) "...would yield the invention..." claimed. Appellant's remarks drawn to the definition of port and starboard relative to the city inlet have been discussed in the final rejection. As stated in the final rejection, "...port and starboard disposition are dependent on whether the point of reference is from front or the back of the vehicle of Eisner. In this case the point of reference is from the front of the vehicle which places the inlet 28 (column 2, lines 45+) on port side and the outlet 27(column 2, lines 22+) on the starboard side." Contrary to

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appellant's remarks the limitations of claims 19-24 and 28 have been addressed. The particular type of vehicle recited is deemed design choice and clearly there is no criticality as to the type of vehicle which includes the "plumbing" system. Support for the lack of criticality as to the type of vehicle is shown by appellant's failure to show the particular "vehicles" of claims 19-24 having the recited "plumbing system". **All of the recited vehicles are variations of vehicles which include fluid systems having inlets and outlets.** In particular Reid discloses at least two different types of vehicles.". These claims are drawn to types of vehicles and as stated in the final rejection Reid discloses a plurality of wheeled vehicles all of which are well known to include inlets and outlets. The recreational vehicle of Reid has a fluid pump (claim 28). Reid is applied as a teaching of a recreational vehicle having a fluid system and Eisner is applied as a modifying teaching of the particular port and starboard disposition of the "city inlet" and "outlet" (respectively).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

A. Michael Chambers


Conferees:

Eric Keasel SPE AU 3753



Eric Nicholson RQUAS TC 3700


EK for Nicholson